

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES EDWARD ROTHMAN,

Plaintiff,

v.

JEAN ANN JOHNSON,

Defendant.

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No. 4:12-CV-1674-JAR

MEMORANDUM AND ORDER

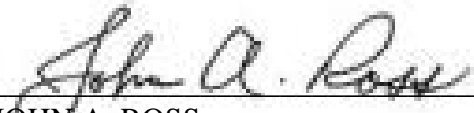
This matter is before the Court on Defendant's Motion to Return the Petition. [ECF No. 16] The Court will construe Defendant's motion as a motion to dismiss. For the following reasons, the motion will be denied.

Defendant states that Petitioner's petition for writ of habeas corpus filed on September 14, 2012 does not bear his signature. (Doc. No. 1) The petition is signed by "inmate counsel"; however, the petition must be signed by petitioner himself or by a licensed attorney on Petitioner's behalf. 28 U.S.C. § 2242. On October 26, 2012, the Court ordered Petitioner to file an amended petition on a court-provided form, setting forth his grounds for relief and duly signing the petition. (Doc. No. 5) On November 8, 2012, Petitioner filed his amended petition for writ of habeas corpus. (Doc. No. 10) The amended petition bears what purports to be the signature of Petitioner. The Court has no basis for disputing the authenticity of Petitioner's signature.

Accordingly,

Defendant's Motion to Return the Petition [16] is **DENIED**.

Dated this 7th day of December, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE